

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA

JAMES D. BUCHANAN,  
Plaintiff,

vs.

No. 18-CV-171-Raw

TURN KEY HEALTH CLINICS,  
LLC, et al,  
Defendant.

DEPOSITION OF  
FLINT JUNOD

DATE: AUGUST 2, 2019

REPORTER: MARISA SPALDING, CSR, RPR

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PLAINTIFF'S  
EXHIBIT  
30

1                   MR. YOUNG: And for the record, Bob,  
2 some of them will overlap and that's because he  
3 took them obviously on different specialties.  
4 Sometimes Flint will be speaking generally and  
5 Dr. Cooper will be speaking specifically and  
6 vice versa, and they know their roles in which  
7 ones as we go through those.

8                   MR. BLAKEMORE: Okay.

9                   Q (By Mr. Blakemore) Are you currently  
10 employed?

11                  A Yes, sir.

12                  Q And how are you employed?

13                  A By Turn Key Health Clinics.

14                  Q And what is your position with Turn Key?

15                  A I am the CEO.

16                  Q And for the record what is Turn Key  
17 Health Clinics?

18                  A Turn Key Health Clinics is a provider of  
19 correctional health care.

20                  Q And how long have you served in the  
21 capacity of CEO?

22                  A I believe since the summertime of 2016.

23                  Q How were you employed prior to summer of  
24 2016 when you came over with Turn Key?

25                  A I was COO.

1 Q Okay. How did it?

2 A To a certain extent, I took a lot more  
3 active role in -- in reviewing invoices and --  
4 and balance sheets that had previously been  
5 mostly reviewed by our finance guy.

6 Q Did your duties and responsibilities  
7 change in any other way when you became CEO?

8 A I -- I mean, guess I'm more involved  
9 with -- with a wider scope of the operation as a  
10 typical CEO.

11 (Plaintiff's Exhibit No. 18  
12 marked for identification)

13 Q I'll hand you what we've marked as  
14 Exhibit 18. Can you identify Exhibit 18 for the  
15 record?

16 A This appears to be the contract between  
17 Muskogee County and Turn Key Health Clinics.

18 Q And do you know for what -- what time  
19 period?

20 A It is dated June of 2016.

21 Q Okay. If you look at -- there's these  
22 little -- well, it's actually just Page 10 of  
23 the contract is what I'm looking at.

24 A Okay.

25 Q And I'm looking at Roman Numeral --

1 Roman Numeral IV; do you see that?

2 A Yes, sir.

3 Q And so what was -- what was the term of  
4 this contract?

5 A July 1, 2016 through -- it -- it appears  
6 to have a typo through June 30, 2017, a 12-month  
7 period. Oh, I'm sorry, that is not a typo, I  
8 misread it.

9 Q Okay. So that's correct, right?

10 A Correct, yeah, July 1, 2016 through June  
11 30, 2017.

12 Q All right. If you look at -- if you  
13 turn over to Page 13.

14 A Yes, sir.

15 Q Is that your signature?

16 A Yes, sir.

17 Q So you signed the contract with the --  
18 with Muskogee County on behalf of Turn Key; is  
19 that right?

20 A Yes, sir.

21 Q Okay. Did you -- did you have any role  
22 in negotiating this contract with the Board of  
23 County Commissioners?

24 A Yes, sir, but my role was primarily with  
25 sheriff's office personnel, not the Board of

1 meeting and there were attendees at other  
2 meetings, but I don't know which was which.

3 Q Was anyone else from Turn Key meeting  
4 with Mr. Bickel and other representatives of the  
5 sheriff's office at this time?

6 A During our initial discussion, I  
7 probably had nurse -- I don't know if it was the  
8 first encounter or not, but --

9 Q I'm just talking generally --

10 A -- okay.

11 Q -- these first meetings before the  
12 contract?

13 A Yeah, maybe Ms. Bilyeu, who was our  
14 regional nurse, and I believe John Echols went  
15 to one of them, but I don't know which one.

16 Q All right. And you said that Mr. Bickel  
17 was talking to you about potentially having a  
18 private contractor. Do you know whether the  
19 jail had ever had a private medical provider  
20 before?

21 A I don't -- no, I don't know. They  
22 didn't have one at the time.

23 Q Did -- did Mr. Bickel or anyone else  
24 from the sheriff's office provide you with any  
25 specifics as to what they were -- what they were

1 wanting in a medical contractor?

2 A They -- they were operating with medical  
3 assistance primarily and a nurse practitioner,  
4 and they wanted a company who could provide  
5 nursing hours, in addition to their MA's, and  
6 basically someone who would oversee the medical  
7 operation so it was one less day-to-day  
8 responsibility for them.

9 Q Who was the -- who was the sheriff at  
10 that time?

11 A Charles Pearson.

12 Q Did you have any meetings with Pearson  
13 in these initial phases of the relationship?

14 A I don't remember any, sir. I -- I think  
15 before the contract started, I met him once but  
16 not my initial -- my initial conversations were  
17 primarily with Mr. Bickel.

18 Q So at some point this progresses into  
19 you -- they're asking for a proposal, is that --

20 A Yes.

21 MR. YOUNG: Object to the form.

22 Q (By Mr. Blakemore) Is that -- is that  
23 how that happened?

24 MR. YOUNG: You can answer it.

25 THE WITNESS: Yes, sir.

1 Q (By Mr. Blakemore) And do you know  
2 whether there were any other providers who bid  
3 on the -- the contract at the Muskogee County  
4 Jail?

5 A Yes, I believe -- I believe there were  
6 two others that Loyd told me. I think Southern  
7 Health had provided him a proposal and possibly  
8 Advanced Correctional. I don't know when or how  
9 many months prior --

10 Q Okay.

11 A -- it was.

12 Q Do you recall when approximately you  
13 provided the -- the proposal?

14 A I think we initially provided it in the  
15 early part of 2015 and through, you know, many  
16 discussions with them it probably adjusted up  
17 through, I think, December of 20 -- 2015. And  
18 then the contract started early part of 2016.

19 Q Okay. So was there a -- this Exhibit 18  
20 is, as you testified to, it's a contract with a  
21 term from July 1st, 2016 through June 30th,  
22 2017, right?

23 MR. YOUNG: Go back to Page 10.

24 THE WITNESS: Yeah. Yes, sir.

25 Q (By Mr. Blakemore) So was there a

1 contract prior to this with Muskogee County?

2 A Yes, sir.

3 Q And do you have a recollection as to  
4 when that contract became effective?

5 A I believe it was March of 2016.

6 Q So is Exhibit 18, is that the -- is that  
7 the second contract or was there another one?

8 A I believe so.

9 Q There was --

10 A I believe we had like a three or -- like  
11 a three month.

12 Q Okay.

13 A Because we started mid budget cycle.

14 Q Okay. You start out in March?

15 A Yeah.

16 Q 20 --

17 A I believe it was March.

18 Q All right. So then you might -- you  
19 believe that you had like a three-month contract  
20 in between that first contract, Exhibit 18?

21 A Yes, sir.

22 Q Did you -- well, let me ask you this  
23 first. Do you recall any significant changes or  
24 amendments between the initial contract and  
25 Exhibit 18?

1 Q All right. Look at -- I'm now at Page 4  
2 and I'm looking at the -- it starts on the  
3 bottom of the page there. It's Section 1.14,  
4 medical and nursing services provided; do you  
5 see that?

6 A Yes, sir.

7 Q All right. And now I am looking at the  
8 next page, Page 5, which is Subpart 2; do you  
9 see that?

10 A Yes, sir.

11 Q And it states that the contractor, which  
12 is Turn Key, right?

13 A Yes, sir.

14 Q Shall provide medical unit coverage  
15 seven days a week. Well, first of all, did you  
16 have an understanding that there was a medical  
17 unit within the Muskogee County Jail?

18 MR. YOUNG: Object to form.

19 THE WITNESS: Can you define medical  
20 unit?

21 Q (By Mr. Blakemore) I mean, it's your  
22 con -- your contract. What did you mean by  
23 medical unit?

24 A Oh, I'm sorry, I -- it's the office area  
25 where the nurses work and there was an exam

1 area.

2 Q Would you said -- so an office area  
3 where the nurses work and exam area; is that  
4 what you said?

5 A It -- yes.

6 Q I mean, would you -- I mean, you've been  
7 working in correctional medicine for a while.  
8 Would you describe that as an actual medical  
9 unit?

10 MR. YOUNG: Object to form.

11 THE WITNESS: It's -- well, it would  
12 be a medical area where we work.

13 Q (By Mr. Blakemore) Okay. So is that  
14 what you're referring to in the contract when  
15 you say medical unit?

16 MR. YOUNG: Object to form.

17 THE WITNESS: Our nurses and  
18 personnel would -- would work throughout the  
19 facility, but the medical unit is where they  
20 would be stationed out of.

21 Q (By Mr. Blakemore) Okay. And that's  
22 that office area?

23 A Yes, sir.

24 Q All right. But you understand that some  
25 jails, obviously bigger jails like you've worked

1                   MR. YOUNG: Object to form. You can  
2 answer.

3                   THE WITNESS: We -- we're in  
4 compliance with 2A on Page 5. If we had 168  
5 hours of combined time of RN, LPN, MA, CMA or  
6 EMT, that would be in compliance with the  
7 contract.

8                   Q (By Mr. Blakemore) Did you ever make  
9 any specific commitment -- contractual  
10 commitment to Muskogee County to have R --  
11 specifically RN coverage for any specific time  
12 during a week?

13                  MR. YOUNG: Object to form.

14                  THE WITNESS: I think our contract  
15 is pretty clear in what we told Muskogee County  
16 we would do. We would do a -- we would do 168  
17 hours a week of medical personnel and it could  
18 be composed of those qualifications.

19                  Q (By Mr. Blakemore) Okay. But I asked  
20 you a specific question. I asked you if you  
21 ever made any contractual commitment to Muskogee  
22 County to provide specifically RN coverage for a  
23 specified number of hours per week?

24                  MR. YOUNG: Object to form. You can  
25 answer.

1                   THE WITNESS: I believe this is the  
2 only contract and I don't see that in here, so  
3 it would not be a contractual obligation.

4                   Q (By Mr. Blakemore) Do you know -- do  
5 you know whether there was any RN coverage at  
6 the Muskogee County Jail?

7                   A I -- I don't know when everybody worked.  
8 I'm sure there could have been at times. I know  
9 the ARNP would be there, which is an RN so it --  
10 I -- I don't know -- I don't know, you know, the  
11 schedule today of every person who ever worked  
12 at Muskogee County.

13                  Q Okay. Well, let me just ask you, do you  
14 recall -- do you recall an RN ever working on  
15 site at the Muskogee County Jail?

16                  A I know the -- Lela Goatley would have  
17 been on site so she would meet that  
18 classification.

19                  Q Okay. So Lela Goatley, she's a nurse  
20 practitioner, right?

21                  A Advanced registered nurse practitioner.

22                  Q Okay. And --

23                  A As well as an RN, I believe.

24                  Q She didn't work full time at the -- at  
25 the Muskogee County Jail, did she?

1 A No, sir.

2 Q How often was she at the Muskogee County  
3 Jail?

4 A I don't have time sheets in front of me  
5 but I can tell you when I reviewed November  
6 2016, we averaged -- I think we did eight  
7 provider clinics that month from what I remember  
8 reviewing, and that was composed of Dr. Cooper  
9 and Lela Goatley.

10 Q Let me ask it to you this way. Are you  
11 aware of any RN who worked at the Muskogee  
12 County Jail on site full time?

13 MR. YOUNG: Object to form. Answer  
14 if you can.

15 THE WITNESS: I don't -- I don't  
16 know of a full time RN that worked at Muskogee  
17 County.

18 Q (By Mr. Blakemore) Was there a -- was  
19 there ever a full-time physician who worked at  
20 the Muskogee County Jail?

21 MR. YOUNG: Object to form. Do you  
22 mean on call or in the building?

23 MR. BLAKEMORE: I mean, actually  
24 working there.

25 THE WITNESS: We -- we had two full

1 Q Who was the general manager during the  
2 time frame of the -- this contract in 2016?

3 A I believe it was Nicole Cobb. Excuse  
4 me, are we referring to the entire year or  
5 November?

6 Q Okay. Well, let's talk about November  
7 first.

8 A Okay.

9 Q Who was the regional manager?

10 A That would have been Nicole Cobb.

11 Q And so when you say refuse, did Ms.  
12 Cobb, did she actually go into the jail and  
13 conduct like an audit type review of whether the  
14 contract was being complied with?

15 A She would go in and review the charts  
16 that were patients in the facility. She would  
17 review probably logs. She would review the  
18 orderly -- if the unit was orderly, staffing  
19 compliance.

20 Q Would she -- would she actually talk to  
21 any of the medical personnel at the jail?

22 A Yes, sir.

23 Q And you were about to say something  
24 else.

25 A No.

1 Q All right. Now did Ms. Cobb ever -- did  
2 she ever write like a -- any type of report as  
3 to her reviews that she conducted at the jail?

4 A Most of our conversations were via  
5 telephone, maybe an email now and then.

6 Q Okay. So this email, would it summarize  
7 what she found as a result of her review at the  
8 facility?

9 A Generally, reports were based off of  
10 areas of concern at the facility.

11 Q Okay. Do you recall what -- what any of  
12 those areas of concern were at the -- at the  
13 Muskogee County Jail?

14 A Generally, the primary concern was  
15 detention staffing levels.

16 Q And what was the concern with respect to  
17 detention staffing levels?

18 A That the number of personnel was not  
19 sufficient.

20 Q Sufficient for what?

21 A It would -- at times regional and us  
22 waiting on patients to be seen or rescheduling a  
23 clinic possibly if they didn't have enough  
24 detention personnel to pull clinic.

25 Q Okay. Any other issues you recall with

1 Q So that was kind of like -- that was an  
2 ongoing issue --

3 MR. ARTUS: Object to form.

4 Q (By Mr. Blakemore) -- at the jail?

5 MR. YOUNG: Object to form.

6 THE WITNESS: I don't know what  
7 their staffing levels were because I obviously  
8 wasn't working there every day, so it appeared  
9 that when it would occur, we would address it  
10 with security and resolve the issue for a period  
11 of time. And then it would --

12 Q (By Mr. Blakemore) Recur?

13 A It happened on more than one occasion.

14 Q Okay. Let me -- let's skip ahead now to  
15 Page 8 and I'm looking at -- it's Roman Numeral  
16 II. It says duties of agency; do you see that?

17 A Yes, sir.

18 Q Are you familiar with this provision  
19 here, 2.1?

20 A Yes, sir.

21 Q All right. So this is the -- the  
22 provision on the reimbursement for services and  
23 if you look down at the -- I'm looking at the  
24 second paragraph under 2.1 and this specifically  
25 says that the agreement was to cover services

1 for the agency with a facility average daily  
2 population up to 350 inmates, correct?

3 A Yes, sir.

4 Q And did -- during the -- Turn Key's  
5 period of providing medical services at the  
6 jail, was there -- did you ever have or were you  
7 ever aware of an issue with the facility being  
8 overcapacity, over this 350 inmates?

9 A In preparation for this deposition, I  
10 did see populations and yes, they were -- there  
11 were periods where they -- it was over 350.

12 Q Now did you only become aware of that  
13 through your preparation for the deposition?

14 A At the time, I -- I don't remember what  
15 the exact populations were.

16 Q Okay. Did you ever -- did anyone like  
17 Ms. Cobb or any of the medical personnel at the  
18 -- at the jail ever complain to you or report to  
19 you that the -- the jail was overcrowded?

20 A I don't know if they ever said  
21 overcrowded. It's -- they would have probably  
22 told me the population was either high or above  
23 350 at the time, yes.

24 Q Okay. So you do recall hearing that?

25 A Yeah, probably at some point, yes.

1 levels were appropriate, our staffing level was  
2 -- was more than appropriate to meet the needs  
3 of the facility. And our viewpoint is -- was  
4 that, you know, adding additional staff or -- or  
5 asking for additional revenue was not necessary  
6 because we had the staff.

7 Q Okay. But you did say that it was at  
8 least --

9 A It was an option.

10 Q Yeah, right. There was an option. But  
11 you also had at least the perception that the  
12 understaffing of detention officers at the  
13 facility was affecting the -- your ability to  
14 provide care at the facility?

15 MR. ARTUS: Object to the form.

16 MR. YOUNG: Object to the form.

17 Q (By Mr. Blakemore) Is that right?

18 A When security was -- when detention  
19 staffing was an issue, it -- it would delay med  
20 pass or delay clinic.

21 Q Okay. And did anybody -- or did you  
22 ever have any understanding that at least part  
23 of the -- the issue with the delays in med pass  
24 or clinic was related to the overpopulation at  
25 the jail?

1 says, it is mutually understood and agreed and  
2 it is the intent of the parties hereto that an  
3 independent contractor relationship be, and is  
4 hereby established under the terms and  
5 conditions of this contract. Nothing in this  
6 contract shall be construed to create an agency  
7 relationship, an employee -- employer/employee  
8 relationship, a joint venture relationship or  
9 any other relationship allowing the agency to  
10 exercise control or direction over the matter or  
11 methods by which contractor, its employees,  
12 agents or subcontractors perform hereunder. Did  
13 I read that correctly?

14 A Yes, sir.

15 Q And so Turn Key was not an agent of the  
16 County; would you agree with that?

17 MR. BLAKEMORE: Object to form.

18 Calls for --

19 Q (By Mr. Artus) Under the terms of this  
20 contract?

21 MR. BLAKEMORE: Object to form.

22 Calls for a legal conclusion.

23 THE WITNESS: It -- the contract  
24 reads that it is an independent contractor.

25 MR. ARTUS: Thank you. I think